

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

*IN RE PORK ANTITRUST LITIGATION*

Case No. 0:18-cv-01776-JRT-JFD

This Document Relates To:  
ALL ACTIONS

**JOINT STATUS REPORT FOR  
MARCH 22, 2023 STATUS  
CONFERENCE**

Counsel for Consumer Indirect Purchaser Plaintiffs, Direct Purchaser Plaintiffs, and Commercial and Institutional Indirect Purchaser Plaintiffs, the Commonwealth of Puerto Rico, and the Direct Action Plaintiffs (collectively, “Plaintiffs”) and Defendants (collectively, the “Parties”), in the above-captioned consolidated action submit the following status report for the March 22, 2023 status conference.

**APPEARANCES**

**Plaintiffs**

Consumer Indirect Purchaser Plaintiffs	Shana Scarlett Breanna Van Engelen Abigail Pershing Daniel Hedlund
Direct Purchaser Plaintiffs	Joseph Bruckner Bobby Pouya
Commercial and Institutional Indirect Purchaser Plaintiffs	Blaine Finley
Puerto Rico	Kyle Bates
DAP Sysco	Arthur Boylan Nicole Hyland <sup>1</sup>
Other DAPs	Robert Kaplan

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<sup>1</sup> Arthur Boylan and Nicole Hyland are appearing in a limited capacity regarding Sysco’s motion to stay. Neither are antitrust counsel to Sysco and Sysco has not yet secured replacement lead counsel.

**Defendants**

Agri Stats	Liam Phibbs
Clemens	Max Samels
Hormel	Emily Chow
JBS	Donald Heeman Sami Rashid
Seaboard	William Greene William Thomson
Smithfield	Brian Robison
Triumph	Christopher Smith James Spung
Tyson	Tiffany Rider Jarod Taylor

**AGENDA****1. Sysco's motion to stay.**

Regarding the March 10, 2023 filing by Sysco for a partial stay (ECF No. 1843), the Parties have reviewed the Court's instruction directing them to contact Magistrate Judge Docherty to schedule a hearing. *See* ECF 1855. In advance of that hearing, Class Plaintiffs and Defendants respectfully seek clarification from Sysco as to what impact it intends its request for a limited stay to have, if any, on the deadlines set forth by the pretrial schedule. In meeting and conferring on its stay motion, Sysco's counsel has confirmed that it will be prepared to address these issues at the status conference.

Speaking for Sysco: Nicole Hyland

Speaking for Class Plaintiffs: Shana Scarlett

Speaking for Defendants: Brian Robison

Speaking for other DAPs: Bob Kaplan

**2. The hearing date for Consumer IPPs' motion for final approval of the settlement with Smithfield.**

Consumer IPPs filed their motion for final approval of the settlement with Smithfield on March 16, 2023 (ECF No. 1857) but were unable to obtain a hearing date in advance of the filing deadline. So that members of the public can be informed of the hearing and participate, Consumer IPPs and Smithfield respectfully request that the Court set a hearing date as soon as practicable on or after March 30, 2023. Consumer IPPs have proposed proceeding with a remote hearing by Zoom.

Speaking for Consumer IPPs (if necessary): Breanna Van Engelen

Speaking for Smithfield (if necessary): Brian Robison

**3. Update on depositions.**

The Parties do not expect to raise any issues related to the scheduling of depositions at this hearing. The deposition of Sioux-Preme Packing Co. took place on February 23, 2023. The USDA raised an objection to its deposition and the Parties do not expect to move forward. The Canadian court has not yet determined whether it will order the deposition of Sumio Matsumoto.

The Parties also note that depositions continue to be scheduled for a few remaining Direct Action Plaintiffs.

Speaking for Plaintiffs (if necessary): Abigail Pershing

Speaking for Defendants (if necessary): Max Samels, Sami Rashid, and/or Jarod Taylor

**4. A process and schedule related to the authenticity and admissibility of potential trial exhibits.**

The Parties continue to meet and confer to try to reach agreement or narrow and focus any areas of disagreement concerning a process and schedule that Plaintiffs proposed regarding the authenticity and admissibility of potential trial exhibits. They do not believe Court intervention is ripe and propose to provide a further update to the Court at the next status conference.

Speaking for Class Plaintiffs (if necessary): Bobby Pouya

Speaking for DAPs (if necessary): Bob Kaplan

Speaking for Defendants (if necessary): Jarod Taylor

DATED: March 17, 2023

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